

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

INTERNATIONAL WATCHMAN, INC.,

Plaintiff,

vs.

81 JANUARY, INC., *et al.*,

Defendants.

CASE NO. 1:17-CV-497

ORDER

[Resolving Doc. [18](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff International Watchman, Inc. sued Defendant 81 January, Inc. for trademark infringement.<sup>1</sup> Defendant's Director, William Shaine, moved pro se to dismiss the lawsuit on jurisdictional grounds.<sup>2</sup> Shaine also asked for leave to appear in this case.<sup>3</sup> Plaintiff moved to strike Defendant's motions, arguing that corporations cannot litigate pro se.<sup>4</sup>

The Court granted Plaintiff's motion to strike, holding that Ohio law requires a licensed attorney to represent a corporation in all non-small-claims-court proceedings.<sup>5</sup>

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<sup>1</sup> Doc. [1](#).

<sup>2</sup> Docs. [6](#) & [15](#).

<sup>3</sup> *Id.*

<sup>4</sup> Doc. [12](#).

<sup>5</sup> *Gass v. Headlands Contracting & Tunneling, Inc.*, 2008 WL 4964656, at \*1 (Ohio Ct. App. Nov. 21, 2008) (“[O]utside of small claims court, an individual, including a corporate officer, who is not an attorney, may not appear in court or maintain litigation *in propria persona* on behalf of a corporation.”); *see also Disciplinary Counsel v. Kafele*, 843 N.E.2d 169, 173 (Ohio 2006) (“And with limited exception, unauthorized practice occurs when a layperson renders legal services for another person or for a corporate entity by attempting to manage legal actions and proceedings before courts of law.”).

Now, Defendant Shaine asks the Court to reconsider its previous decision.<sup>6</sup> Shaine says that 81 January, Inc. lacks several corporate characteristics<sup>7</sup> and will not invoke its corporate veil.<sup>8</sup>

Defendant Shaine's argument loses. Defendant 81 January, Inc. is a registered corporation in Massachusetts<sup>9</sup> and must be represented by counsel. However, because Plaintiff also sues Defendant Shaine personally, Shaine may represent himself pro se.

The Court also grants Defendant 81 January, Inc.'s request for a twenty-day extension to retain counsel.<sup>10</sup> The Court also orders Plaintiff to serve Defendants in accordance with the Northern District of Ohio's Local Rules.<sup>11</sup>

Accordingly, the Court **DENIES** Defendants' motion for reconsideration, **GRANTS** Defendants' motion for an extension, and **ORDERS** Plaintiff to serve Defendants in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: June 6, 2017

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>6</sup> Doc. [18](#).

<sup>7</sup> *Id.* at 2 ("Defendant 81 January, Inc. never commenced business, has no bylaws, has no bank account, has no eBay account, has no money with which to hire an attorney.").

<sup>8</sup> *Id.* at 3.

<sup>9</sup> Doc. [12-1](#).

<sup>10</sup> Doc. [18](#) at 3.

<sup>11</sup> *Id.*